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UNITED STATES DISTRICT COURT
FOR DISTRICT OF NORTHERN CALIFORNIA

VLADIMIR BALAREZO, ABELARDO
GUERRERO, VICTOR FUNEZ & OSMIN
AVILA, and on behalf of other similarly
situated

Plaintiffs,

vs.

NTH CONNECT TELECOM INC., AND
STEVEN CHEN,

Defendants

Case No.: Case No.: C07-01248 JF

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' MOTION FOR APPROVAL OF
HOFFMANN-LA ROCHE NOTICE**

Plaintiff Vladimir Balarezo moves for approval of *Hoffmann-La Roche* Notice, pursuant to *Hoffmann-La Roche Inc v Sperling*, 493 U.S. 165 (1989). Defendants oppose the motion. The matter was heard on April 11, 2008. Having considered the parties' papers and oral argument on the motion, the Court GRANTS plaintiffs' Motion for Approval of *Hoffmann-La Roche* Notice and orders and finds as follows:

1 Pursuant to the Fair Labor Standards Act ("FLSA") and cases interpreting it, the Court
2 finds that Installations Technicians (as defined below) are similarly situated and therefore conditionally
3 certifies this action as a representative collective action, 29 U.S.C. § 216(b);

4 Pursuant to the Fair Labor Standards Act ("FLSA") and cases interpreting it, the Court
5 finds that notice should be sent to all prospective collective action members, consisting of all present and
6 former employees of Nth Connect Telecom Inc., who have been employed as an Installation Technician
7 or performed the duties of an Installation Technician, at any time from October 12, 2004 to the date of
8 this Order (hereinafter "BSEs");

9 The Court orders defendants to produce to plaintiffs' counsel the names, addresses,
10 alternate addresses, social security numbers, and all telephone numbers of all Installation Technicians
11 who currently work for Nth Connect Telecom Inc. or who have worked for Nth Connect Telecom Inc. at
12 any time from October 12, 2004 to the date of this Order. Such information shall be provided in Microsoft
13 Excel format and shall be provided to plaintiffs' counsel within 10 days of the date of this Order;

14 The Court approves the sending of the Notice and Consents to be Party Plaintiff
15 substantially in the form attached hereto as Exhibits 1 and 2. Such Notices and Consents to be Party
16 Plaintiff shall be filed with this Court within 10 days of receipt by plaintiffs' counsel of the names,
17 addresses, social security numbers, and all telephone numbers of all Installation Technicians;

18 4. Installation Technicians shall have 120 days from the sending of Notice to postmark their
19 Consents to be Party Plaintiff and mail such Consents to a plaintiff's counsel.

20 **IT IS SO ORDERED**

21 Date: _____

22 By: _____

23 Hon. Jeremy Fogel
24 United States District Judge
25